

No. 9/3/87-6Lab/867.—In pursuance of the provision of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s. (i) State Transport Controller, Haryana Chandigarh, (ii) General Manager, Haryana Roadways, Rewari :—

IN THE COURT OF SHRI A.S. CHALIA, PRESIDING OFFICER, LABOUR COURT, FARIDABAD

Reference No. 114 of 1986

between

SHRI MOHAR SINGH, WORKMAN AND THE RESPONDENT-MANAGEMENT OF M/S STATE TRANSPORT CONTROLLER, HARYANA, CHANDIGARH, (ii) GENERAL MANAGER, HARYANA ROADWAYS, REWARI

Present:—

Shri P.R. Yadav for the workman.

Shri Randhir Singh Yadav for the management.

AWARD

This reference under section 10(1)(c) of Industrial Disputes Act, 1947 (Act No. 14 of 1947) as amended from time to time and latest by Act No. 49 of 1984 (hereinafter referred as the said Act) was made to this Court by the State of Haryana (Department of Labour),—vide its endorsement No. ID/GGN/13311-17, dated 16th April, 1986 to adjudicate upon the dispute of service matter covered by Second Schedule under Section 7 of the said Act, arisen between Shri Mohar Singh, workman and the respondent-management of M/s. State Transport Controller, Haryana Chandigarh, (ii) General Manager, Haryana Roadways, Rewari. Accordingly it has been registered as Reference No. 114 of 86.

2. In brief the facts of the case are that Shri Mohar Singh was appointed on 7th December, 1982 as Helper and his services were terminated on 25th October, 1985. The allegations are that his services have been illegally and wrongly terminated and as such he be reinstated into his job with continuity of service and further with full back wages.

3. On notice, the respondent filed Written Statement and contended that he was appointed on 2nd December, 1982 on daily wages as a helper and his appointment was renewed from month to month and ultimately he was relieved on 25th October, 1985 since his services were no longer required.

4. On the pleadings of the parties the following issue was framed on 1st August, 1986:—

(i) As per reference ?

5. From the side of the respondent its clerk appeared as MW-1. Shri Mohar Singh has also appeared as WW-1. I have heard the parties as represented above. The finding is as below.—

6. Issue No. I.—It has been claimed by Mohar Singh that he was employed by the respondent on 7th December, 1982 as a helper and his services were terminated on 25th October, 1985. It has been conceded by the respondent,—vide its written Statement, dated 3rd July, 1986. On the face of it, this period is of more than 240 days and he is entitled to be in continuous service of the respondent as defined in Section 25-B of the said Act. The contention of the respondent has been that he was working as daily basis and his appointment was being renewed from month to month and in my opinion, it has no substance as he had continuously worked for more than prescribed period. There is no dispute that no pay or compensation was paid to him and on the face of it order of termination is in violation of Section 25-F of the said Act. The said order is hereby revoked and he is entitled to reinstatement into his job with full back wages and further with continuity of service.

The reference is accordingly answered.

Dated, the 21st January, 1987.

A. S. CHALIA,

Presiding Officer,
Labour Court, Faridabad.

Endst. No. 94, dated the 28th January, 1987.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Department, Chandigarh as required under Section 15 of I.D. Act.

A. S. CHALIA,

Presiding Officer,
Labour Court, Faridabad.